

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Date: February 15, 2007

Kevin S. BEYER et al.

Confirmation No: 7077

Serial No: 10/788,556

Group Art Unit: 2163

Filed: February 27, 2004

Examiner: Helene Roberta Rose

Title: ASYNCHRONOUS PEER-TO-PEER DATA REPLICATION

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

In the present application, independent claims 1, 40, and 50 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,806,075 to Jain et al. ("Jain").

Applicant respectfully submits that the § 102 rejections are improper since Jain fails to disclose a limitation recited in each of the independent claims.

Claim 1 recites a peer-to-peer data replication method in which a change to any given table copy (in a database system) is communicated to other table copies in the database system. In particular, the method includes asynchronously capturing a change to a row of a given table copy from a database recovery log, in which the database recovery log contains an entry that describes the change to the row of the given table copy (emphasis added).

A. Jain Fails To Disclose Asynchronously Capturing A Change To A Row Of A Given Table Copy From A Database Recovery Log As Recited In Claim 1

Jain discloses a system and method for replicating modifications made at a local site to multiple remote sites in a peer-to-peer environment (see Abstract). With respect to data modification, identification, and retention, Jain discloses that in order to propagate the modifications made to data items in one database to the same data items in another database, it is necessary to retain the modifications until they can be made to the other sites (col. 7, ll. 4-7). Jain discloses that prior art methods – e.g., master/slave prior art systems – use a transactional recovery log (i.e., a redo log) to retain and identify database modifications for propagation (col. 7, ll. 7-9). However, unlike these prior art systems, Jain encodes propagation information directly in tables in the database system. That is, the tables themselves contain all the information necessary to replicate a data modification to other data sites (col. 7, ll. 28-38).

In rejecting claim 1, on page 5 of the Action mailed September 29, 2006, the Examiner cites column 7, lines 7-36 which teaches a redo log (or a transactional recovery log). As discussed above, the redo log, however, is used only in prior art methods in which changes are made only to a master copy, and then transmitted to slave copies. Such as master/slave prior art system is not a peer-to-peer data replication system. Furthermore, Jain does not use a redo log to capture database changes. Instead, Jain discloses techniques for encoding all the information necessary to replicate a data modification within a table of the database system. That is, the tables themselves contain all the information necessary to replicate a data modification to other data sites (col. 7, ll. 28-38).

On page 31 of the Action mailed September 29, 2006, the Examiner asserts that the limitation “asynchronously capturing a change to a row of a given table copy from a database recovery log” is not recited in the rejected claims. However, claim 1 was previously amended to

include the limitation and, therefore, such a limitation is not being read from the specification into the claims as asserted by the Examiner.

Conclusion

On the basis of the above remarks, reconsideration of the § 102 rejections is respectfully requested. Claims 40 and 50 each incorporates limitations similar to those of claim 1, and are also allowable over Jain for reasons corresponding to those set forth with respect to claim 1.

Applicants previously filed a Petition for (1) Month Extension Of Time at the time of filing the Reply to Final Office Action on January 25, 2007, allowing time concurrent to reply through January 29, 2007. An extension is due with the present filing of (2) two-months, less the \$120.00 in extension fees previously paid. Accordingly, Applicants hereby request the additional extension of time of (1) one additional month, to accompany the Notice of Appeal and Pre-Appeal Brief Conference filed concurrently herewith in the amount of \$130.00.

The office is authorized to credit any overpayments, or debit any underpayments to Deposit Account No. 02-2120. Please charge the fee of \$130.00 to Deposit Account No. 02-2120 for the Extension of Time requested herewith.

Respectfully submitted,
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